

stip affects confirmed  
plan

STERN & EISENBERG, PC  
1581 MAIN STREET, SUITE 200  
THE SHOPS AT VALLEY SQUARE  
WARRINGTON, PA 18976  
TELEPHONE: (215) 572-8111  
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(COUNSEL FOR MOVANT)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: Patrick William Kelly and Stephanie Lynn Kelly Debtor(s)	Chapter: 13  Bankruptcy Case: 19-13401-elf  Judge: FRANK, ERIC L.
DLJ Mortgage Capital, Inc. Creditor/Movant	
v. Patrick William Kelly Stephanie Lynn Kelly Debtor(s)	

CONSENT ORDER/STIPULATION  
SETTLING MOTION FOR RELIEF FROM AUTOMATIC STAY

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, upon the Motion of DLJ Mortgage Capital, Inc., through its Counsel, Stern & Eisenberg PC, under 11 U.S.C. § 362(d) (and § 1301) for relief from the automatic stay as to Debtor's real property located at *543 Bradford Avenue, Warrington, PA 18976* (hereinafter, the "Property"), and the parties agreeing to the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED AND DECREED as follows:

1. As of January 30, 2020, Patrick William Kelly and Stephanie Lynn Kelly (hereinafter, "Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from July 1, 2019 as follows:

**PAYMENTS:** \$ 10,396.05

07/01/2019 01/01/2020 \$1,485.15 @ 7 MONTHS \$10,396.05

**COUNSEL FEES/COSTS FOR MOTION** \$ 1,231.00

**POST-PETITION SUSPENSE:** (\$79.85)

**POST-PETITION ARREARS ("ARREARS")** \$11,547.20

2. Debtor shall cure the Arrears as set forth above by paying them through Debtor's Chapter 13 Bankruptcy Plan. Debtor shall file an Amended Plan within 30 days of this Stipulation incorporating the post-petition delinquency in the amount of \$11,547.20 to the pre-petition arrears of \$14,950.45 making a total of \$26,497.65 to be paid through the Amended Plan.

3. Debtor shall resume making their monthly mortgage payment beginning with the February 01, 2020 payment.

4. Payment(s) due in accordance with this Consent Order/Stipulation shall be due on or before the 1<sup>st</sup> of each month.

5. Debtor shall make the regular monthly payments required to the Trustee.

6. All payments due to DLJ Mortgage Capital, Inc. from Debtor are to be made directly to DLJ Mortgage Capital, Inc. c/o Selene Finance LP, Attn: BK Dept. 9990 Richmond Ave., Suite 400, South Houston, TX 77042 making sure that Creditor's loan number appears on all payments.

7. In the event Debtor fails to make any of the payments set forth hereinabove (or payments for real estate taxes and/or hazard insurance when due) on or before their due dates, or if Debtor fails to file an Amended Plan within 30 days of this Stipulation, DLJ Mortgage Capital, Inc. and/or Counsel may give Debtor and Debtor's counsel notice of the default.

8. If any such default is not cured within ten (10) days of said notice of the default, upon certification to the court of such default, and request for Order, with a copy to Debtor and Debtor's counsel, DLJ Mortgage Capital, Inc. shall immediately have relief from the bankruptcy stay, per the form of the attached Order which is made part hereof as Exhibit "A".

9. Debtor shall pay \$100.00 for each Notice of Default issued by DLJ Mortgage Capital, Inc. as a result of Debtor's failure to make payments in accordance with this Order.

10. The failure by DLJ Mortgage Capital, Inc., at any time, to file a Certification of Default upon default by Debtor shall not be construed, nor shall such failure act, as a waiver of any of DLJ Mortgage Capital, Inc.'s rights hereunder.

11. Upon issuance of the aforesaid Order, the parties hereto further agree that DLJ Mortgage Capital, Inc. (and any assignee/successor-in-interest) may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.

12. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code, Debtor shall pay all pre-petition arrears and post-petition arrears within ten (10) days from the date that the case is converted. If Debtor fails to make payment in accordance with this paragraph then DLJ Mortgage Capital, Inc., through Counsel, may file a certification setting forth said failure and DLJ Mortgage Capital, Inc. shall be granted immediate relief from the automatic stay in the form of Order attached as Exhibit "A".

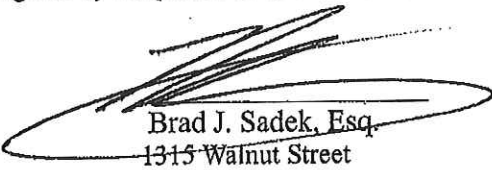
13. It is further agreed that the 14-day stay provided by Rule 4001(a)(3) is hereby waived. In the event an order granting relief is entered then the requirements of 3002.1 shall NOT apply to DLJ Mortgage Capital, Inc.

14. Facsimile signatures shall be as valid as original signatures and this Consent Order/Stipulation may be signed in counterparts.

By signing this Stipulation/Consent Order, Debtor's Counsel represents that Debtor is familiar with and understand the terms of the Stipulation/Consent Order and agree to said terms regardless of whether Debtor has actually signed said stipulation. Seen and agreed by the parties on the date set forth below:

/s/Daniel P. Jones, Esq.

Daniel P. Jones, Esq.  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
Warrington, PA 18976  
Telephone: (215) 572-8111  
djones@sterneisenberg.com  
Counsel for Creditor  
Date: January 30, 2020

  
Brad J. Sadek, Esq.

1315 Walnut Street  
Suite 502  
Philadelphia, PA 19107  
215-545-0008  
Email: brad@sadeklaw.com  
Counsel for Debtor(s)  
Date:

  
William C. Miller, Esq.

Ch. 13 Trustee  
PO Box 1229  
Philadelphia, PA 19105  
215-627-1377  
elf@ph13trustee.com

NO OBJECTION

\*without prejudice to any  
trustee rights and remedies.

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(COUNSEL FOR MOVANT)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

In Re: Patrick William Kelly Debtor(s)	Chapter: 13
DLJ Mortgage Capital, Inc. Creditor/Movant v. Patrick William Kelly Stephanie Lynn Kelly Debtor(s)	Case Number: 19-13401-elf Judge: FRANK, ERIC L.

ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND RELIEF FOLLOWING  
CERTIFICATION OF DEFAULT OF CONSENT ORDER/STIPULATION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ upon Motion of DLJ Mortgage Capital, Inc. (DLJ Mortgage Capital, Inc.) for relief and a Certification of Default having been filed in accordance with the Consent Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, DLJ Mortgage Capital, Inc. ("DLJ Mortgage Capital") (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. § 362 (and § 1301) to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: *543 Bradford Avenue, Warrington, PA 18976*.

It is ORDERED and DECREED that the 14-day stay pursuant to BKRP 4001(a)(3) is hereby waived and the requirements of Rule 3002.1 shall not apply to Movant.

BY THE COURT

UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Patrick William Kelly and Stephanie Lynn Kelly Debtor(s)	Chapter: 13  Bankruptcy Case: 19-13401-elf
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**ORDER APPROVING STIPULATION/CONSENT ORDER**

AND NOW, upon consideration of the Stipulation between Debtor and DLJ Mortgage Capital, Inc., it is hereby ORDERED and DECREED that the Stipulation is APPROVED and made an Order of the Court.

BY THE COURT:

Date: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE